

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:19-cv-00208-RJC-DSC

HAEHUN RYU,

Plaintiff,

v.

WILLIAM BARR, Attorney General of  
the United States, US CITIZENSHIP &  
IMMIGRATION SERVICES, and R.

ANDREW MURRAY, U.S. Attorney for  
the Western District of North Carolina,

Defendants.

ORDER

**THIS MATTER** comes before the Court on Defendants' motion to dismiss, (Doc. No. 7), and the Magistrate Judge's Memorandum and Recommendation ("M&R"), (Doc. No. 9).

**I. BACKGROUND**

On May 1, 2019, Plaintiff filed his pro se complaint. (Doc. No. 1.) On September 16, 2019, Defendants filed their motion to dismiss pursuant to Rules 12(b)(1) and (6). (Doc. No. 7.) Plaintiff's response to Defendants' motion was initially due on September 30, 2019, but Plaintiff failed to respond. On October 4, 2019, the Magistrate Judge entered an order directing Plaintiff to file a response to Defendants' motion to dismiss and to show cause why the complaint should not be dismissed for failure to prosecute on or before November 7, 2019. (Doc. No. 8.) Plaintiff did not file a response to Defendants' motion or show cause why the complaint should not be dismissed for failure to prosecute. Thereafter, the

Magistrate Judge issued the M&R and recommended that this Court grant Defendants' motion. (Doc. No. 9, at 2.) The Magistrate Judge advised the parties of their right to file objections within fourteen days, (Doc. No. 9, at 2–3); however, no objections were filed, and the time for doing so has expired.

## **II. STANDARD OF REVIEW**

The district court may assign dispositive pretrial matters pending before the court to a magistrate judge for “proposed findings of fact and recommendations.” 28 U.S.C. § 636(b)(1)(B). The Federal Magistrate Act provides that a district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” Id. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).


## **III. DISCUSSION**

As no objection to the M&R has been made, the parties have waived their right to de novo review of any issues covered in the M&R. After review of the M&R and the entire record, the Court determines that the recommendation of the Magistrate Judge to grant Defendants' motion to dismiss is fully consistent with and supported by current law. Therefore, the Court adopts the M&R.

#### IV. CONCLUSION

**IT IS THEREFORE ORDERED** that:

1. The Magistrate Judge's M&R, (Doc. No. 9), is **ADOPTED**;
2. Defendants' motion to dismiss, (Doc. No. 7), is **GRANTED**; and
3. The Clerk of Court is directed to close this case.

  
Robert J. Conrad, Jr.  
United States District Judge



Signed: May 18, 2020